

NOV 28 2018

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION

JULIA C. DUDLEY, CLERK
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| MARCELLAS HOFFMAN, Petitioner, |) | Civil Action No. 7:18cv00524 |
| v. |) | <u>MEMORANDUM OPINION</u> |
| WARDEN BRECKON, Respondent. |) | By: Michael F. Urbanski Chief United States District Judge |

By order entered November 9, 2018, the court directed Hoffman to show cause why his petition for a writ of habeas corpus filed pursuant to 28 U.S.C. § 2241 should not be dismissed as duplicative of his claims already proceeding in Civil Action 7:18cv00265. The court advised Hoffman that failure to respond to the court's order within seven days would result in the dismissal of the action without prejudice. Hoffman did not respond.

Inasmuch as the time to respond has passed and Hoffman has failed to respond to the court's order, the court will dismiss this action without prejudice.

ENTER: This 29 day of November, 2018.

1/ Michael F. Urbanski

Chief United States District Judge